



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/166347

PRELIMINARY RECITALS

Pursuant to a petition filed May 28, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Barron County Department of Human Services in regard to Medical Assistance, a hearing was held on July 23, 2015, at Barron, Wisconsin.

The issue for determination is whether the county agency correctly denied the petitioner's application for BadgerCare Plus because his income exceeded the program's limit.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Candi Gillette

Barron County Department of Human Services
Courthouse Room 338
330 E Lasalle Ave
Barron, WI 54812

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Barron County.
2. The petitioner applied for BadgerCare Plus on April 17, 2015. The county agency denied his request on May 14, 2015, because his income exceeded the program's limit.

3. The petitioner made over \$1,000 in April 2015. He has made \$960 per month since then.

DISCUSSION

BadgerCare Plus is Wisconsin's medical assistance program for those who are not elderly or disabled. Adults are ineligible if their household income exceeds the federal poverty level, which for a single person such as the petitioner is \$980.83 a month. Wis. Stat. § 49.471(4)(a); *BadgerCare Plus Handbook*, § 50.1.; *BadgerCare Plus Handbook*, § 50.1. The county agency denied BadgerCare Plus to the petitioner after finding that his income exceeded \$1,000 per month. He contends that his income is overstated because he switched jobs and had an additional paycheck in the month his benefits were determined.

The petitioner quit working a fulltime job on April 13, 2015, after breaking his collarbone and immediately started another. He worked 40 hours a week and earned \$8 per hour at the first job and now works 24 hours a week and earns \$10 an hour at the second job. It is unclear exactly what he made in April, but he earned \$320 during the full week that month he still had his original job and at least \$240 a week the rest of the month. This means that he made at least \$1,130 that month. It is likely that he earned more than this because he worked the first job more than a week that month, and he probably worked over more than exactly four weeks. I see no evidence that his income is overstated this month. This means that he was ineligible for BadgerCare Plus in April 2015. But since then he is earning \$960 a month, which is below the poverty level. Based upon this, I find that he is eligible for BadgerCare Plus as of May 1, 2015.

I note to the petitioner that he is close to the BadgerCare Plus income limit and that he must report any increase in income; if he does not, he is likely to be faced with an overpayment.

CONCLUSIONS OF LAW

1. The petitioner was ineligible for BadgerCare Plus before May 2015 because his income exceeded the federal poverty level.
2. The petitioner has been eligible for BadgerCare Plus since May 2015 because his income has been below the federal poverty level since then.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency with instructions that within 10 days of the date of this decision it find the petitioner eligible for BadgerCare Plus retroactive to May 1, 2015.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

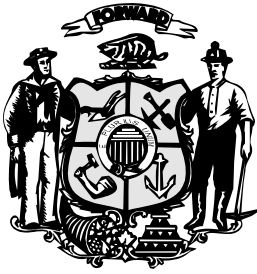
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 28th day of July, 2015

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on July 28, 2015.

Barron County Department of Human Services
Division of Health Care Access and Accountability